

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

RENEE PENN,

Plaintiff,

v.

CIVIL ACTION NO. 1:11cv1009 (TSE-TCB)

MICHELE S. CUMBERLAND, ESQ.,

Defendant.

DEFENDANT'S RULE 26(f) DISCOVERY PLAN

COMES NOW Michele S. Cumberland, Esquire, by counsel, and as and for his proposed discovery plan in accordance with Rule 26(f) of the Federal Rules of Civil Procedure, and states as follows:

The undersigned counsel has attempted to confer with opposing counsel in the submission of a joint discovery plan; however, opposing counsel has not participated in the formulation of a proposed discovery plan, notwithstanding repeated requests and the offering of a draft discovery plan by the defendant on March 7, 2012.

The required initial disclosures pursuant to Rule 26(a)(1) shall be served by each party by mailing or fax upon counsel for the opposing party on or before April 10, 2012. Service is complete upon mailing.

The subjects on which discovery generally may be needed include the facts and circumstances under which plaintiff claims she was subjected to a violation of the Fair Debt Collection Practices Act and plaintiff's claimed injuries. Each party may not

exceed five (5) non-expert non-party depositions and may not exceed thirty (30) interrogatories, including sub-parts, without leave of court. Discovery requests shall be deemed to apply equally to electronic and hard copy records, but responses will be produced in hard copy form unless otherwise more convenient for the producing party.

This defendant believes that discovery can be completed in one phase and that it should be limited to inquiries reasonably calculated to lead to the discovery of admissible evidence.

This defendant proposes that the party having the burden of proof upon the primary issue to which potential Rule 702, 703 or 705 evidence is directed shall identify his expert witnesses by name and address on or before April 15, 2012, and shall make and serve its disclosure pursuant to Rule 26(a)(2)(b) on or before May 1, 2010. The same disclosures of expert evidence pursuant to Rule 702, 703 and 705 intended to respond to, contradict or rebut evidence on the same subject matter disclosed by another party shall be made and served on or before June 1, 2012. The party bearing the initial burden of proof may make a rebuttal disclosure on or before June 15, 2012, and shall be limited as to the source to expert witnesses previously identified, absent leave of court.

Discovery will be completed by June 15, 2012. Dispositive motions shall be filed on or before June 21, 2012.

The pretrial disclosures required under Rule 26(a)(3) and a list of exhibits to be used at trial, a list of witnesses to be called and a written stipulation of uncontested facts shall be electronically filed on or before the date of the final pretrial conference on June 21, 2012. The objections to exhibits contained in the opposing party's Rule 26(a)(3)

disclosures will be served and filed 10 days after the Final Pretrial Conference. Should the day designated fall upon a weekend or holiday, the objections shall be served or filed the next business day.

Claims of privilege that apply to documents or information created by or for counsel after the date on which the Complaint was filed need not be logged.

This defendant does not believe that there should be any limitation on discovery other than that imposed by the Federal Rules of Civil Procedure, local Court rules, the orders of the Court, and applicable privilege.

This defendant does not believe that there are any other orders that should be entered at this time.

MICHELE S. CUMBERLAND, ESQ.

/s/

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CERTIFICATE

I hereby certify that on the 21st day of March, 2012, I will electronically file the foregoing with the Clerk of Court using the CM/ECF. system, which will then send a notification of such filing to the following:

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/s/

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